

14704

08/09/10 01:37 PM
RN 10 21794 PAGE 1
Substantive

AMENDMENTS TO SENATE BILL NO. 501
AS AMENDED IN SENATE APRIL 20, 2009

Amendment 1

Below line 1 of the heading, insert:

(Principal coauthor: Assembly Member De La Torre)
(Coauthor: Assembly Member Norby)

Amendment 2

Strike out lines 1 and 2 of the title and insert:

An act to add Section 53060.2 to the Government Code, relating to local government.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 53060.2 is added to the Government Code, to read:
53060.2. (a) For purposes of this section, the following terms have the following meanings:

- (1) "City" means a general law city or a charter city.
- (2) "Designated employee" means a designated employee of a county, city, city and county, school district, special district, or joint powers agency formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) who is required to file a statement of economic interests pursuant to Chapter 7 (commencing with Section 87100) of Title 9.
- (3) "Officer" means an elected or appointed officer of a county, city, city and county, school district, special district, or joint powers agency formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) who is required to file a statement of economic interests pursuant to Chapter 7 (commencing with Section 87100) of Title 9.

(b) Each officer or designated employee shall annually file a compensation disclosure form that provides compensation information for the preceding year, pursuant to this section. The annual filing deadline for a compensation disclosure form shall be the same as the filing deadline established for annual statements of economic interest, pursuant to Sections 87203 and 87302.

(c) (1) An officer or designated employee shall file his or her compensation disclosure form with the same office that receives that officer's or designated employee's statement of economic interest pursuant to Section 87500. The office receiving the compensation disclosure form shall make and retain a copy and return the original to the officer or designated employee.

(2) If the county, city, city and county, school district, special district, or joint powers agency maintains an Internet Web site, it shall post the information contained on the filed compensation disclosure form on that Internet Web site.



RE1021794

14704

08/09/10 01:37 PM
RN 10 21794 PAGE 2
Substantive

(d) The compensation disclosure form, which shall be developed by the Secretary of State, shall, at a minimum, provide for the disclosure of each of the following by an officer and a designated employee:

- (1) Salaries and stipends paid.
- (2) Reimbursements received for expenses.
- (3) The employer's cost of providing benefits.
- (4) Any other monetary or nonmonetary perquisites provided.

(e) The items disclosed pursuant to subdivision (d) shall also include any items received by an officer or designated employee as a result of membership with, or employment by, any local agency, municipal corporation, public benefit corporation, or community redevelopment agency, if the membership of the officer's or designated employee's governing body is sufficient in number to constitute a quorum or a majority of the governing body membership of the local agency, municipal corporation, public benefit corporation, or community redevelopment agency.

(f) The compensation disclosure form filed pursuant to this section is a public record for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be provided to a person, upon request, pursuant to Section 6253.

(g) (1) The district attorney or any interested person may commence an action by mandamus or injunction to compel an officer, designated employee, county, city, city and county, school district, special district, or joint powers agency to comply with the requirements of this section. Nothing in this section shall be construed to prevent an officer, designated employee, county, city, city and county, school district, special district, or joint powers agency from curing or correcting an action challenged pursuant to this section.

(2) Prior to any action being commenced pursuant to this subdivision, the district attorney or interested person shall make a demand of the officer, designated employee, county, city, city and county, school district, special district, or joint powers agency to cure or correct the action alleged to have been taken in violation of this section. The demand shall be in writing and clearly describe the nature of the alleged violation.

(3) Within 30 days of receipt of the demand, the officer, designated employee, county, city, city and county, school district, special district, or joint powers agency shall cure or correct the alleged violation or inform the demanding party in writing of its decision not to cure or correct the alleged violation.

(4) Within 15 days of receipt of the written notice of the decision to cure or correct an alleged violation, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to this subdivision or thereafter be barred from commencing the action.

(5) If the officer, designated employee, county, city, city and county, school district, special district, or joint powers agency takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the alleged violation, and the 15-day period to commence the action described in paragraph (1) shall commence to run the day after the 30-day period to cure or correct expires.

(6) During any action seeking a judicial determination pursuant to this subdivision if the court determines, pursuant to a showing that an alleged violation has been cured

14704

08/09/10 01:37 PM
RN 10 21794 PAGE 3
Substantive

or corrected by a subsequent action, the action filed pursuant to this subdivision shall be dismissed with prejudice.

SEC. 2. In enacting this act, the Legislature finds and declares that the disclosure of compensation paid to officers and designated employees furthers the intent and purposes of Section 3 of Article I of the California Constitution which declares that the people have the right of access to information concerning the conduct of the people's business.

SEC. 3. The Legislature finds and declares that the fiscal integrity and stability of local governmental agencies in this state, including charter cities, has a direct impact on the long-term well-being of all the residents of this state. The likelihood of businesses locating to or staying in the state is affected by the perception of a functioning, transparent, and practical governmental structure in the local governmental bodies in California. Therefore, the Legislature finds and declares that to ensure the statewide integrity of local government, the disclosure of compensation paid to officers and designated employees is an issue of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 4

On page 2, strike out lines 1 to 34, inclusive, and strike out pages 3 and 4